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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91180684
Party	Defendant Super Talent Technology, Corp.
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Submission	Answer
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Attachments	Answer('684).pdf ( 5 pages )(114459 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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INGRAM MICRO INC., a Delaware Corporation

Opposer,

Opposition No. 91180684  
Mark: IMICRO  
Serial No. 77/046,033

v.

SUPER TALENT TECHNOLOGY CORP., a  
California Corporation,

Applicant.

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ANSWER TO NOTICE OF OPPOSITION OF INGRAM MICRO INC.

Applicant Super Talent Technology Corporation ("Applicant"), by its attorneys of record, hereby submits its Answer to the Notice of Opposition as follows:

1. As to Paragraph 1, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.
2. As to Paragraph 2, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.
3. As to Paragraph 3, Applicant admits the allegations.
4. As to Paragraph 4, Applicant lacks sufficient information to form a belief as to the truth of the allegations as to the source of the "printout" attached as Exhibit "A" to the Notice. Applicant admits the remaining allegations in Paragraph 4.

5. As to Paragraph 5, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

6. As to Paragraph 6, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

7. As to Paragraph 7, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

8. As to Paragraph 8, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

9. As to Paragraph 9, Applicant denies the allegations therein.

#### **FIRST CLAIM FOR RELIEF**

10. As to Paragraph 10, Applicant repeats and incorporates by reference herein each response contained in Paragraphs 1 through 9 in this Answer.

11. As to Paragraph 11, Applicant denies the allegations therein.

12. As to Paragraph 12, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

13. As to Paragraph 13, Applicant denies the allegations therein.

14. As to Paragraph 14, Applicant denies the allegations therein.

#### **AFFIRMATIVE DEFENSES**

15. The Notice of Opposition fails to state a claim upon which Opposer would be entitled to its requested relief.

16. There is no likelihood of confusion, mistake or deception because Applicant's "IMICRO" mark is not confusingly similar to Opposer's "INGRAM

MICRO” mark and variants thereof alleged in the Notice of Opposition, as used on those goods and services alleged in the Notice of Opposition.

17. On information and belief, Opposer does not have a proper chain of title for its ownership of the mark “INGRAM MICRO” or its ownership of the registration of “INGRAM MICRO” and/or the variants thereof.

18. On information and belief, the previous purported assignments of the “INGRAM MICRO” mark (or of any variants thereof) are invalid for failure to convey the accompanying good will from the previous assignor to any assignee in the purported chain of title.

19. On information and belief, Opposer has not continuously used its mark since its alleged date of first use on those products or services alleged in its Notice of Opposition, and has not used the mark on those alleged products or services continuously since a date earlier than Applicant’s date of filing of its application.

20. On information and belief, Opposer has not used its “INGRAM MICRO” mark and each variant thereof on each and every product or service stated in each of its registrations thereof. Accordingly, Opposer has committed a fraud on the Trademark Office and its registrations are therefore invalid.

21. The term “Ingram” is primarily merely a surname and therefore, combined with a generic term like “Micro,” the composite mark “INGRAM MICRO” is not a protectable trademark.

22. Opposer’s alleged variants of the “INGRAM MICRO” mark consist of the terms “Ingram” and “Micro,” terms which are respectively merely a surname and a generic term; accordingly, Opposer’s variants of the mark do not serve a trademark

function in that they do not indicate the source or origin of Opposer's products or services.

23. Opposer's purported marks "INGRAM MICRO" and variants thereof are merely descriptive and have not attained secondary meaning, and therefore are entitled to a narrow scope of protection.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety and that registration issue to Applicant for its mark.

Respectfully submitted,

Dated: December 21, 2007

By: 

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Super Talent Technology Corp.

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Applicant's Answer to Notice of Opposition of Ingram Micro, Inc. was mailed first-class mail, postage prepaid, to Grant R. Clayton, Clayton, Howarth & Cannon, P.C., P.O. Box 1909, Sandy, Utah 84091-1909, attorneys for Opposer, on December 21, 2007

Pacific Law Group, LLP

By:   
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Mitchell Wong  
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Super Talent Technology Corp.